

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE

2005 JAN 25 P 3: 36

LAWRENCE J. MESITE,  
Plaintiff

CIVIL ACTION  
NO. 04-11942-GAO  
U.S. DISTRICT COURT  
DISTRICT OF MASS

v.

NEWTON POLICE OFFICER, DAWN HOUGH,  
NEWTON POLICE OFFICER, JOANNE BLAY,  
NEWTON POLICE OFFICER, DINA VACCA,  
CITY OF NEWTON, SUPERINTENDENT,  
KENNETH NELSON AND BRIDGEWATER  
STATE HOSPITAL  
Defendants

**AMENDED MOTION TO DISMISS**

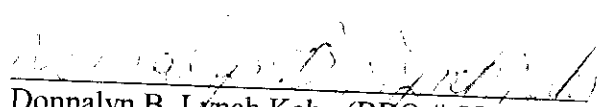
Defendants Newton Police Officers Dawn Hough, Joanne Blay, and Dina Vacca, (collectively the "Police Officers") and the City of Newton (the "City") hereby move, pursuant to Fed. R. Civ. P. 12 (b)(6), for dismissal of the claims against them in the above-captioned matter.

In support of this motion, the Police Officers and the City submit herewith a memorandum of law illustrating that Plaintiff's claims fail as a matter of law on the face of the Complaint.

WHEREFORE, for the foregoing reasons, the Police Officers and the City respectfully request that the Motion to Dismiss be ALLOWED.

DEFENDANTS,  
NEWTON POLICE OFFICERS DAWN HOUGH,  
JOANNE BLAY AND  
DINA VACCA, AND  
THE CITY OF NEWTON,

By their attorney,

  
Donnalyn B. Lynch Kahn (BBO # 556609)

Assistant City Solicitor

City of Newton Law Department

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Dated: 1/11/05